

**REMARKS**

In the Office Action dated August 31, 2004, the Examiner rejected pending claims 1-13 and 16-67 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of U.S. Patent No. 6,017,219 ("Adams"), U.S. Patent No. 6,077,085 ("Parry"), U.S. Patent No. 6,299,452 ("Wasowicz"), U.S. Patent No. 5,540,589 ("Waters"), U.S. Patent No. 5,697,793 ("Huffman"), and U.S. Patent No. 6,350,128 ("Neuhaus"). Applicants have amended claims 51, 53, 61, 62, and 63 per an agreement reached during an Examiner Interview as described below. No new matter has been added. Applicant submits that that claims 1-13 and 16-67 are currently in condition for allowance. Therefore, Applicant requests that the Examiner enter this amendment and issue a Notice of Allowance.

On December 7, 2004 an in-person Examiner Interview was conducted. Participants of the interview included Examiner Sotomayor and Applicant's representatives Matthew Sampson and Lisa Schoedel. No exhibits were shown nor demonstrations conducted. The participants discussed claims 1, 30, 34, 42, 51, 52, 53, 61, 62, and 63 as well as the cited references. As a result of the interview, some agreement with respect to the claims was reached. The Examiner indicated that claims 30, 34, and 52 were allowable as written, but requested a citation to Applicant's Specification for support of claims 34 and 52. An agreement regarding an amendment to claims 51, 53, 61, 62, and 63 that would put these claims in allowable form was also reached.

At the interview, the Examiner indicated that he needed to review claims 1 and 42 prior to determining whether these claims are written in allowable format. The examiner indicated in his Interview Summary, prepared after the interview, that the amendments to claims 1 and 42 distinguish the invention over the cited prior art. Applicant agrees and provides arguments below supporting this conclusion.

**I. Claims Agreed Upon During Examiner Interview Conducted December 7, 2004****A. Claims 30-33**

During the Examiner Interview on December 7, 2004, the Examiner indicated that claim 30 is allowable as written. Claims 31-33 depend from claim 30. Accordingly, Applicant submits that claims 31-33 are also allowable as written.

**B. Claims 34-41, 52, and 66-67**

During the Examiner Interview on December 7, 2004, the Examiner indicated that claims 34 and 52 are allowable as written, but requested Applicant to provide citations to the Specification for the support of claims 34 and 52.

In claim 34, Applicant recites a method of providing an automatic reading system that includes reading text into a speech detector (page 13, lines 3-8); estimating linguistic content of the text as being read (page 13, line 20 to page 14, line 8); wherein the estimate is a data stream that represents a user's speech (page 14, lines 4-6); converting the estimate into a score based on factors extracted from the estimate and at least one correct response (page 14, lines 9-20); wherein the at least one correct response is determined from sample responses provided by sample speakers (page 14, lines 16-20); and providing a recommendation of books to read based on the score (page 15, lines 10-15).

In claim 52, Applicant recites an automatic reading system including means for detecting speech of a user who is reading an electronic book out loud (page 8, lines 2-10); means for evaluating the user's reading skill based upon the user reading out loud (page 8, line 11 to page 9, line 17); and means for adjusting a difficulty level profile of the electronic book while the user is reading the electronic book based on the evaluating means (page 9, line 18 to page 10, line 18).

While citations are provided above with respect to claims 34 and 52, it should be understood that other references supporting these claims may be found throughout the Specification including the originally filed claims, figures, and abstract. Further, claims 35-41 and 66-67 depend from claim 34. Accordingly, Applicant submits that claims 35-41 and 66-67 are also allowable as written.

**C. Claim 51**

The Examiner indicated that claim 51 would be allowable if amended to add the word "calculated" to describe "a user's reading level." This amendment is included in the Claim Amendment section of this Response. Accordingly, Applicant submits that claim 51 is allowable as written.

**D. Claims 53-63**

The Examiner indicated that claims 53 and 61-63 would be allowable if the preambles were amended to specify a result of the claimed invention. The preambles of claims 53 and 61-63 have been amended to include the phrase "that adjusts text of an electronic book to match a user's reading level." Accordingly, Applicant submits that claims 53 and 61-63 are allowable as written. Claims 54-60 depend from claim 53. Accordingly, Applicant submits that claims 54-60 are also allowable as written.

**II. Claims Not Agreed Upon During Examiner Interview Conducted December 7, 2004**

**A. Claims 1-7**

The Examiner indicated he needed to perform an additional review of claim 1 prior to determining whether claim 1 is allowable as written. In claim 1, Applicant recites a means for evaluating the user's reading skill. The evaluation is performed by computing a score based on factors extracted from an output of a speech recognizer and a correct response. The factors may

include the number of insertions, deletions, and substitutions needed to convert the user's response into a correct response. Additionally, the factors may include pauses and stretching out letters or sounds, which may indicate that the user is having difficulty with reading the text. The correct response is determined from sample responses provided by sample speakers.

The Office Action rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Parry and in further view of Wasowisz. The Office Action states that Adams and Parry do not specifically disclose that evaluating a user's reading skill is based on the output of a speech recognizer coupled to a detection means, computing a score based on factors extracted from the output of the speech recognizer, or that the at least one correct response is determined from sample responses provided by sample speakers. (Office Action, page 3.) Wasowicz fails to overcome the deficiencies in Adams and Parry.

For example, the Office Action cites to column 8, lines 2-12 of Wasowicz for the proposition that Wasowicz teaches that at least one correct response is determined from sample responses provided by sample speakers. However, this section of Wasowicz describes only that a user's response is compared to a correct response. Wasowicz is silent with respect to how the correct response is generated. In contrast to Wasowicz's silence regarding the generation of the correct response, Applicant describes that the correct response is determined from sample responses provided by sample speakers. At most, Wasowicz teaches a comparison to a correct response.

Because Adams, Parry, and Wasowicz do not show or suggest that a correct response is determined from sample responses provided by sample speakers, Applicant submits that claim 1 is not obvious in light of the combination of Adams, Parry, and Wasowicz. Claims 2-7 depend from claim 1. Accordingly, Applicant also submits that claims 2-7 are allowable for at least the reasons set forth above.

B. Claims 8-29, 64, and 65

Claim 8 was not discussed during the Examiner Interview conducted December 7, 2004.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Waters and in further view of Wasowisz. Like claim 1, claim 8 also includes the element at least one correct response is determined from sample responses provided by sample speakers. As described above, Adams and Wasowicz do not show or suggest that a correct response is determined from sample responses provided by sample speakers. Waters fails to overcome the deficiencies in Adams and Wasowisz.

The Office Action cites to Waters for the proposition that Waters teaches a system for converting an estimate of speech into an item score. (Office Action, page 8.) However, this teaching has nothing to do with a correct response, and more specifically, a correct response determined from sample responses provided by sample speakers. Like Adams and Wasowicz, Waters does not show or suggest that a correct response is determined from sample responses provided by sample speakers.

Because Adams, Waters, and Wasowicz do not show or suggest that a correct response is determined from sample responses provided by sample speakers, Applicant submits that claim 8 is not obvious in light of the combination of Adams, Waters, and Wasowicz. Claims 9-29, 64, and 65 depend from claim 8. Accordingly, Applicant also submits that claims 9-29, 64, and 65 are allowable for at least the reasons set forth above.

C. Claims 42-50

The Examiner indicated he needed to perform an additional review of claim 42 prior to determining whether claim 42 is allowable as written. The Office Action rejected claim 42 under 35

U.S.C. § 103(a) as being unpatentable over Adams in view of Parry and in further view of Wasowisz. Like claim 1, claim 42 also includes the element at least one correct response is determined from sample responses provided by sample speakers. As described above, Adams, Parry, and Wasowicz do not show or suggest that a correct response is determined from sample responses provided by sample speakers. Because Adams, Parry, and Wasowicz do not show or suggest that a correct response is determined from sample responses provided by sample speakers, Applicant submits that claim 42 is not obvious in light of the combination of Adams, Parry, and Wasowicz. Claims 43-50 depend from claim 42. Accordingly, Applicant also submits that claims 43-50 are allowable for at least the reasons set forth above.

### **III. Broadest Reasonable Interpretation**

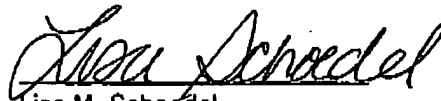
Throughout the course of prosecution of this application it has been the Office's position that the phrase "recommendation of books to read," which appears in several of the independent claims, is subject to the broadest reasonable interpretation. The phrase has therefore been construed as not being limited in meaning to simply "books," in the sense of materials published by a publisher, but rather encompasses other printed or written materials as well.

**CONCLUSION**

In light of the above, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a). Applicant submits that the present application is in condition for allowance and respectfully requests notice to this effect. The Examiner is requested to contact Applicant's representative below if any questions arise or she may be of assistance to the Examiner.

Respectfully submitted,

Dated: January 3, 2005



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